

UNITED STATES DISTRICT COURT
DISTRICT OF MASSACHUSETTS

_____)	
ALTAGRACIA PEGUERO,)	
)	
Plaintiff,)	
)	
v.)	Civil Action No. 05-10995-WGY
)	
AMERICAN EXPRESS COMPANY)	
and HEALTHEXTRAS, INC.,)	
)	
Defendants.)	
_____)	

MOTION OF HEALTHEXTRAS, INC.
FOR LEAVE TO FILE DOCUMENT UNDER SEAL

Pursuant to Local Rule 7.2, third-party defendant HealthExtras, Inc. (“HealthExtras”) respectfully moves for leave to file under seal a certain affidavit signed by an officer of Federal Insurance Company (“Federal”), a former defendant in this case. This affidavit, which supports HealthExtras’ Motion for Summary Judgment filed this date, contains Federal’s confidential, proprietary business information, and has been designated “Confidential” pursuant the Stipulated Protective Order signed by the parties and entered by the court on April 28, 2006. HealthExtras submits that, consistent with the Stipulated Protective Order, the court should order this document impounded until further order of the court or the termination of this case, whichever occurs first. Immediately upon the expiration of the impoundment order, HealthExtras’ counsel will retrieve and take custody of this document.

HEALTH EXTRAS, INC.,

By its attorney,

/s/ Donald R. Pinto, Jr.
Donald R. Pinto, Jr., BBO No. 548421
RACKEMANN, SAWYER & BREWSTER
One Financial Center
Boston, Massachusetts 02111
(617) 542-2300

CERTIFICATE UNDER LOCAL RULE 7.1(A)(2)

I hereby certify that I have conferred in good faith in an attempt to resolve or narrow the issues presented by this motion.

/s/ Donald R. Pinto, Jr.
Donald R. Pinto, Jr.

Dated: April 14, 2007

CERTIFICATE OF SERVICE

I hereby certify that this document filed through the ECF system will be sent electronically to the registered participants as identified on the Notice of Electronic Filing (NEF) and paper copies will be sent to those indicated as non-registered participants on this date.

/s/ Donald R. Pinto, Jr.
Donald R. Pinto, Jr.

Dated: April 14, 2007